

HOUSE BILL REPORT

HB 2654

As Reported by House Committee On:
Criminal Justice & Corrections

Title: An act relating to sex offender treatment providers.

Brief Description: Prohibiting sex offender treatment by treatment providers who are sex offenders.

Sponsors: Representatives Darneille, Strow, O'Brien, Lantz, Rodne, Simpson, Clibborn, McDonald, Conway, Miloscia, B. Sullivan and Ericks.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 1/26/06, 1/31/06 [DPS].

Brief Summary of Substitute Bill

- Prohibits sex offender treatment to be provided by a provider who has been convicted of a sex offense.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives O'Brien, Chair; Darneille, Vice Chair; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kirby, Strow and Williams.

Staff: Yvonne Walker (786-7841).

Background:

The Department of Health (DOH) is authorized to issue certified and certified affiliate sex offender treatment provider certifications; determine minimum education, experience, and training requirements; and deny certification in accordance with the Uniform Disciplinary Act.

The DOH has the authority to issue an affiliate certificate to any person who:

- successfully completes the education requirements or other alternative training that meets the criteria and approval of the DOH;
- successfully completes the examination administered by the DOH;
- shown proof that he or she is being supervised by a certified sex offender treatment provider;

- has not engaged in unprofessional conduct or has not been unable to practice with reasonable skill and safety as a result of a physical or mental impairment; and
- has met any other requirements as established by the DOH that impact the competence of the sex offender treatment provider.

Only certified sex offender treatment providers and certain experienced certified affiliate providers may provide:

- evaluations for offenders eligible for the Special Sex Offender Sentencing Alternative (SSOSA) and the Special Sex Offender Disposition Alternative (SSODA);
- treatment to convicted or adjudicated sex offenders who were sentenced and ordered into treatment as part of a court order; and
- treatment to sexually violent predators released to a less restricted alternative (LRA) unless specified exceptions apply.

Similar to certified sex offender treatment providers, certified affiliate sex offender treatment providers may provide treatment to sex offenders. However, only certified providers or those certified affiliate sex offender treatment providers that have completed at least 50 percent of the required hours under the supervision of a certified provider, may perform evaluations for offenders eligible for the SSOSA and SSODA programs as well as provide treatment to convicted level III sex offenders and sexually violent predators released to a LRA. All other affiliate treatment providers are prohibited from providing evaluations and treatment to such sex offenders.

A certified or certified affiliate sex offender treatment provider may not provide treatment to sexually violent predators if the provider has been convicted of a sex offense or restricted from practicing any health care profession. These same restrictions do not apply to certified or certified affiliate sex offender treatment providers who provide treatment to other sex offenders who are not classified as sexually violent predators.

A certified affiliate sex offender treatment provider is a licensed, certified, or registered health professional who is certified as an affiliate to examine and treat sex offenders and sexually violent predators under the supervision of a certified sex offender treatment provider. Certified affiliates meet all the requirements that full certified providers meet, except for the clinical experience.

Summary of Substitute Bill:

A certified or certified affiliate sex offender treatment provider may not provide treatment to any type of convicted sex offender if the provider has been convicted of a sex offense.

The DOH may not issue a certificate or affiliate certificate to any sex offender treatment provider that has been convicted of a sex offense.

Substitute Bill Compared to Original Bill:

A provision is deleted that stated that only certified affiliated sex offender treatment providers who have completed at least 50 percent of the required hours under the supervision of a certified sex offender treatment provider may perform treatment of convicted level I and II sex offenders. As a result, statutory language is restored to current law.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: This bill has been introduced to address a concern about the state employing sex offenders as sex offender treatment providers. Ex-drug offenders and ex-alcoholics have been used to provide substance abuse treatment and counseling to other drug offenders and alcoholics. However, there is no background or studies that have been done that have shown that prior sex offenders can provide effective treatment to current convicted sex offenders. This bill is an effective way to help victims to ensure that their offenders are receiving the proper treatment needed.

Testimony Against: None.

Persons Testifying: Representative Darneille, prime sponsor; and AnMarie Aylward, Department of Corrections.

Persons Signed In To Testify But Not Testifying: None.